



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 21, 2023

BY ECF

Hon. Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

Federal Bureau of Investigation: produced documents on June 21, November 15, and December 15, 2022; the remaining records are videos, which based on a preliminary review, the FBI would likely withhold in full. FBI has provided plaintiffs with some additional information regarding these videos and its anticipated basis for withholding them, and the parties' discussions about them are continuing.

U.S. Marshals Service: made productions on July 15, October 24, and December 16, 2022, and on February 1 and March 13, 2023; this completed the production of documents by USMS itself. However, on May 26, 2023, USMS re-produced a document it had previously produced with fewer redactions, in light of a release it had made in another case. In its March 13 cover letter, USMS noted that it had sent five sets of referrals to other agencies (the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"); the Drug Enforcement Administration ("DEA"); the Department of Justice's Office of Information Policy ("DOJ-OIP"); the Federal Law Enforcement Training Center (part of the Department of Homeland Security); and the Federal Aviation Administration ("FAA")). The referrals to the FAA and the Federal Law Enforcement Training Center were completed on March 23 and 29, 2023, respectively. The remaining referrals to DOJ-OIP, DEA, and ATF are now all complete as well: DOJ-OIP produced its materials on August 18 and 21, 2023; DEA sent its response on August 18; and ATF sent its response on July 25.

The parties will make their next monthly status report on September 21, 2023. We thank the Court for its consideration of this matter.

Respectfully,

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cc: Counsel for plaintiffs (by ECF)